

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re the matter of:

STEVEN J. ASHLEVITZ &
MARGARET A. ASHLEVITZ,

Debtor(s).

NO. 18 B 31078

JUDGE A. BENJAMIN GOLDGAR

Chapter 13

OBJECTION TO CONFIRMATION

Now comes FORD MOTOR CREDIT COMPANY LLC, a creditor herein, by SHERMAN & PURCELL LLP, its attorneys, and for its objection to confirmation of the Debtors' proposed Chapter 13 plan respectfully represents as follows:

1. That FORD MOTOR CREDIT COMPANY LLC is a creditor of the Debtors with respect to a debt secured by a lien on a 2011 Ford Focus motor vehicle, with a net balance due as of the Petition date in the amount of \$6,162.89.

2. That the Debtors' plan fails to require the Debtors to turn over all income tax refunds received during the pendency of this case.

3. That the Debtors' plan proposes an interest rate of zero on the secured claim of FORD MOTOR CREDIT COMPANY LLC. This is not acceptable nor is it consistent with the law and the bankruptcy code. In this case, the appropriate interest on the secured claim of FORD MOTOR CREDIT COMPANY LLC would be nine percent.

4. That \$250.00 per month in plan payment is not sufficient to provide adequate protection, and this amount could be increased without increasing the Debtors payments to the trustee.

5. That there is nothing in the Debtors' plan that provides for pre-confirmation adequate protection as required by Section 1326 of the bankruptcy code.

6. That the Debtors' plan fails to provide that FORD MOTOR CREDIT COMPANY LLC shall retain its lien on the vehicle until such time as all amounts due and owing under the retail installment contract have been paid in full.

7. That the Petition for Relief in this case was not filed in good faith and the Debtors' plan has not been proposed in good faith.

WHEREFORE, FORD MOTOR CREDIT COMPANY LLC prays that this Honorable Court enter an Order denying confirmation of the Debtors' proposed Chapter 13 plan, for entry of an Order dismissing this Chapter 13 case, and for such other and further relief as this Court may deem just and equitable.

FORD MOTOR CREDIT COMPANY LLC

BY: /s/ Michael L. Sherman
MICHAEL L. SHERMAN,
One of its Attorneys

MICHAEL L. SHERMAN
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Atty. for FORD MOTOR CREDIT COMPANY LLC

CERTIFICATE OF SERVICE

I, the above signed attorney, certify that on November 8, 2018, I electronically filed the foregoing Objection to Confirmation with the Clerk of the Court using the ECF system which sends notifications of such filing to the following:

Mr. David M. Siegel, Attorney for the Debtor
Mr. Glenn B. Searns, Chapter 13 Trustee
Mr. Patrick S. Layng, U.S. Trustee